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McNair Law Firm, P.A. P.O. Box 10827 Greenville, SC 29603-0827			PRIETO, BEATRIZ	
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			2142	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,618

Applicant(s)

BROWN, WILLIAM W.

Examiner

Prieto B.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-17 and 43-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-17 and 43-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/09/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. This communication is in response to Amendment filed 8/18/05, claims 1, 3-4, 9-10, 12, 13, 16, have been amended, claims 2, 7-8, and 18-42 have been canceled and claims 43-58 have been added. Claims have been canceled, claims 1, 3-6, 9-17, 43-58 remain pending.

2. Regarding amendment made to the specification:

III. REFERENCE TO PRIOR APPLICATION(S): The third requirement of the statute is that the later-filed application must contain a specific reference to the prior application. This should appear as the first sentence of the specification following the title preferably as a separate paragraph (37 CFR 1.78(a)) and/or in an application data sheet (37 CFR 1.76). If the specific reference is only contained in the application data sheet, then the benefit claim information will be included on the front page of any patent or patent application publication, but will not be included in the first sentence of the specification. When a benefit claim is submitted *after the filing of an application*, the reference to the prior application *cannot include an incorporation by reference statement of the prior application*, unless an incorporation by reference statement of the prior application was presented *upon filing of the application* (see *Dart Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). See **MPEP 201.11**

As a safeguard against the omission of a portion of a prior application for which priority is claimed under 35 U.S.C. 119(a)-(d) or (f), or for which benefit is claimed under 35 U.S.C. 119(e) or 120, applicant may include a statement *at the time of filing* of the later application incorporating by reference the prior application. See MPEP § 201.06(c) where domestic benefit is claimed. See MPEP § 201.13 where foreign priority is claimed. The inclusion of such an incorporation by reference statement in the later-filed application will permit applicant to include subject matter from the prior application into the later-filed application without the subject matter being considered as new matter. For the incorporation by reference to be effective as a proper safeguard, the incorporation by reference statement must be filed at the time of filing of the later-filed application.

However, an incorporation by reference statement added *after* an application's filing date is *not effective* because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a) and see **MPEP 608.01**).

3. The attempt to incorporate subject matter into this application by reference to update priority documents is ineffective because of the reasons noted above. Correction is required.

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4. Amendment to the abstract has been entered, reviewed and found to obviate previously raised objection for failure to comply with 37 C.F.R. 1.72(b) and M.P.E.P. §608.01(b). Objection is hereby withdrawn.

Claim Rejections - 35 USC § 103

5. Quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

6. Claims 1, 3-7, 9-15, 17 and new claims X are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et. al. (Shelton) U.S. Patent No. 6,067,018 in view of Girerd et. al. (Girerd) US 6,131,067

Regarding claim 1, Shelton teaches substantial features of the invention as claimed, teaches a system/method including

a “pet location” unit (102) for being carried by the pet for determining the “geographical position”, i.e. location data coordinates of the pet (Shelton: col 8/lines 48-50, col 4/lines 27-36);

a remote user from a remote terminal (418) who logs on to the system and obtained and obtained location information over the Internet (col 9/lines 8-14);

a computer “web host” connected to the Internet, wherein the computer has a memory storing information provided to the pet owner’s , i.e. remote user (col 9/lines 8-14);

display instructions running on a computer (418) for outputting said location data for viewing a display of the location unit’s location coordinates by the remote user via the Internet (col 13/lines 40-53);

a GPS receiver (406) “location chip” for receiving position related information (col 4/lines 27-28, 31-34, col 13/lines 8-10);

a processor (206) for processing said information received by said receiver to generate said location coordinate data representing the “current” location of the unit (col 13/lines 17-39);

a transceiver (306) for transmitting said location coordinate to said web host (col 13/lines 28-30);

a power supply for supplying power to said location chip, transceiver and processor (col 9/lines 59-col 10/lines 11);

automatically generating signal transmitted from the computer when communication fails between said computer and location unit (col 2/lines 6-17); said signal generated by the computer (col 2/lines 45-49), said signal transmitted from the computer over the Internet to the user (col 2/lines 50-67),

however Skelton does not teach where said a remote user from a remote terminal has subscribed to the system and obtained an identifier associated with said unit, nor teaches generating a call transmitted from said computer to the location unit for receiving data in return from said location unit.

Girerd discloses a computer implemented method for determining the location of an object in a computer network environment over the Internet (col 1/lines 14-16, col 2/lines 15-17, col 3/lines 23-36);

components of a computer implemented system (Fig. 1A) utilizing the method including

a web host server (10) receiving a "tracking" request from remote user terminal (1) via the Internet, said request including an identifier associated with unit to be located (col 16/lines 33-35, col 5/lines 26-30);

the system is accessed by said remote user (col 17/lines 39-43) who has subscribed to the system and obtained an identifier "personal ID code" associated with to object to be located (col 5/lines 51-63);

processing (e.g. receiving and identifying) and transmitting to a specific destination, i.e. "routing" by said server said received request in response to receiving said request (col 19/lines 33-42);

said server and the location unit (220) comprising a GPS receiver communicate over a wireless (e.g. cellular) communication (col 4/lines 12-30, col 9/lines 37-44);

outputting a generated interrogation signal to the location unit from said web host in response to said tracking request and receiving "position" data from said location unit, i.e. over an established supporting communication connection with the location unit, step 318 of Fig. 6 (col 5/lines 26-38);

processing for generating and outputting said position data (steps 330-332) for display as a map of the location unit's position by the remote user terminal via the Internet (col 16/lines 56-64, col 5/lines 34-37, display col 5/lines 64-67);

micro-processor (26) for controlling information transfer communication between the location unit and server over said wireless communication (col 7/lines 49-67), controlling transceiver (220) to without human intervention, i.e. automatically transmit position data in response to commands signal from the server (col 4/lines 23-30, 9/lines 15-24);

a power supply (36) for supplying power to said location chip, transceiver and processor (col 8/lines 36-40).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given Shelton of obtaining location data associated with a lost pet over the internet from an Internet server, suggesting to be usable for locating object, the teachings of Girerd would be readily apparent. One ordinary skilled in the art will be motivate to have Shelton's system in which the owner looking for his pet, to generate an HTTP internet protocol based request and subsequently obtain a web page of the pet's

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location by logging to a server providing an identification code associated with the GPS receiver or other positioning device to enable user display latitude and longitude indication of the location device superimposed on other references.

Claim 2 (canceled)

Regarding claims 3, this is the software implementation of the functionalities discussed on claim 2 taught by the prior art of record, same rationale of rejection is applicable to the software implementation.

Regarding claim 4, said web host configured to perform a validation process (Shelton: see logon procedure (e.g. authentication procedure) to access an Internet server hosting web pages see col 13/lines 40-59 and col 9/lines 8-25), validate any of said identifier to identifiers stored therein (database) and generating said tracking call upon determining a match (Girerd: col 16/lines 33-45).

Regarding claim 5-6, formatting said location data into a display map of the current location of the location unit (Shelton: posting location information on an Internet server and providing a map showing (i.e. formatting location data on a map) the location for remote access to the owner using a computer see col 9/lines 8-25 and col 13/lines 40-59), and

outputting said map to the remote user via the Internet and a view the current location of the pet on a map (i.e. indication of current location or position on a map) (Shelton: web formatted image display, col 13/lines 40-45, map, col 9/lines 8-14),

Regarding claim 7, generating a tracking call to said location unit for location data when said tracking call including an identifier corresponds to an access code (Shelton: user logs on to an Internet server, see col 13/lines 40-59 at a central facility serving a large number of users see col 9/lines 8-24, i.e. typical log-in procedure involves user authentication for access to services provided by an Internet server wherein user identification (password or user ID) is verified to correspond to an authorized access code, this is inherent to Shelton's teachings).

generating said tracking call that includes a number (unit identification number), wherein the numbers and/or identifiers are stored on the web host (Shelton: col 2/lines 45-63, telephone number, password or user identification (authorization access codes) upon login to Internet server see col 13/lines 40-45).

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Claims 7-8 (canceled).

Regarding claim 9, said location chip is a global positioning satellite receiver (GPS chip) for receiving “geo-position” position related information from a global positioning system (Shelton: col 8/lines 48-59).

Regarding claim 10, comprises a computer readable medium is included within said processor and including a set of computer instructions embodied in said computer readable medium wherein said instructions perform substantially the same features discussed on claim 1, such as receiving (detecting) a detecting a ~~tracking request~~ said position call signal; transmitting (requesting) tracking information from said location chip; transmitting (providing) said ~~location~~ “current position” data for transmission to a remote location, same rationale of rejection is applicable, and further, generating “current position” location data from said tracking information, same rationale of rejection is applicable.

Regarding claim 11, returning said processor to a receiving mode (standby mode) after transmission of said location data to said remote location (Shelton: Fig. 7).

Regarding claim 12, said location data is embodied in a digital packet containing digital data only, and having no audio signal component (Shelton: col 4/lines 27-36).

Regarding claim 13, said digital packet includes (access code) data identifying a (specific object) pet to which the device (collar) is assigned and location data (Shelton: col 8/lines 54-59), latitude and longitude (Girerd: abstract).

Regarding claims 14, 15 and 17, a collar to be worn about the neck of the pet (Shelton: Fig. 1); (tamper resistant) means for securing said unit to the pet collar (Shelton: Fig. 1, i.e. collar); said location unit is integral as one piece with said pet collar (Shelton: Fig. 1).

Claims 18-42 (canceled)

Regarding claim 43, this system claim is substantially the same as claim 1, wherein now the location object further includes a moving objects, e.g. stolen vehicle (see Girerd: col 7/lines 1-8), same rationale of rejection is applicable.

Regarding claim 44, this system claim comprising the computer readable instruction include instructions for performing the acts discussed on claim 5, same rationale of rejection is applicable.

Regarding claim 45, this system claim comprising the computer readable instruction include instructions for performing the acts discussed on claims 1 and 4, same rationale of rejection is applicable.

Regarding claims 46, 47, 48, 49, and 50, these system claims comprising the computer readable instruction include instructions for performing the acts discussed on claims 11, 12, 13, 14, and 16, same rationale of rejection is applicable.

Regarding claim 51, this system claim is substantially the same as claims 1, 12-13 and 43, wherein the location object further includes a moving object here called "moveable object", same rationale of rejection is applicable.

Regarding claim 52, this system claim is substantially the same as claim 1, same rationale of rejection is applicable.

Regarding claim 53, this system claim is substantially the same as claim 5, wherein the here detection limitation is associated to request/receiving tracking request limitation of claims 1 and 5, the here generating a packet containing location data and transmitting to web host now called current GPS data is associated with the receiving at the web host back from said location unit discussed on claim 1 and 5, same rationale of rejection is applicable.

Regarding claim 56, this method claim is substantially the same as claims 1 and 43, wherein now the location object further includes so called "other moving objects", and the system accessed by a remote user from a remote terminal for requesting in claims 1 and 43, is here multiple user and respective multiple terminals now seek location data (see Skelton: col 9/lines 8-25, see Girerd: users access web sites to request location data col 2/lines 1-12, multiple user having an account using respective multiple terminal via the internet access via ISP's server for location data col 3/lines 29-39), same rationale of rejection is applicable.

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Regarding claim 58, this method claim is substantially the same as claim 4, same rationale of rejection discussed therein is applicable.

Regarding claim 59, substantially the same as claim 5, where the displayed map therein is now a path of multiple location data (see Girerd: repeated collection of location data reload on a map for generating a tracking plot, col 5/line 64-col 6/line 22).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton in view of Girerd as applied to claim 1, in further view of Hoffman et. al. (Hoffman) U.S. Patent No. 5,742,233.

Regarding claim 16, however the above-mentioned prior art does not teach automatically transmitting data to a host in response to ~~the event of~~ an unauthorized removal of the collar from the (pet) animal.

Hoffman teaches automatically transmitting data to a host in the event of an unauthorized removal of a portable unit (abstract), wherein the said unit may be worn by a pet (col 7/lines 6-12).

It would have been obvious to one ordinary skilled in the relevant art to utilize Hoffman's teachings for automatically transmitting data to a host in the event of an unauthorized removal of the collar from the (pet) animal, also using GPS technology for the location of animals and unanimated object, and discussing prior arts use of collars with intelligence to assist in locating and preventing theft of animals, motivation would transmit an alarm signal when the unit is removed from the animal by a forceful or unauthorized action, sends a data transmission which includes its location to the central dispatch station for display of the animal identification information, nature of the alarm on a digitized map at a position corresponding to the location of the animal wearing the portable unit.

Double Patenting Rejection

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claim 1, 3-6, 9-17 and 43-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,819,258 (hereafter referred to as patent '25). Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter as a whole claimed in the patent is an obvious variation of instant application..

Specifically, claims 1, 3-6, 9-17 and 43-46 of the application have substantially the same element of claims 1-25 of the patent. The difference between the application and the patent 258 regarding claim 1 is that in the application the communication network utilized is the Internet as opposed to the wide area web in the patent '258 and the pet collar containing the location unit in the application is a shoe in the patent '258. Further, claims 1, 3-6, 9-17 and 43-46 of the application are substantially the same as claims 2-25 of the patent 258. This difference between claims 3-4 of the patent and the application is not sufficient to render the invention of claims 3-4 of the application patentably distinct and/or therefore substantially the same invention and/or a mere obvious variation of the patent '258.

10. Claim 1, 3-6, 9-17 and 43-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,819,258 in view of Affective Wearables, Picard, R.W. & Healey, J., Proceedings of the 1st IEEE International Symposium on Wearable Computers, IEEE 0-8186-8192-6/97, Oct. 1997, p. 90-97.

Picard et. al. teaches where wearable computers may reside in shoes or other clothing, wherein when equipped with sensors and tools from signal processing and pattern recognition can be used to monitor the user (see Introduction), wherein the information collected may be displayed on a web browser or sent over e-mail (see p. 91). Picard et. al. describes the development of an affective wearable which is an augmentation of Thad Starner's design using a PC board standard in a bio-monitoring system where the system may in future version include audio and video inputs and displays, wireless links to the Internet and wireless localized sensors. Further disclosing that in the near future, they hope to add a third

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log file recording the user's location at periodic intervals using GPS for outdoors (see p. 92). Figure 5: The shoe provides a convenient location for sensor placement, because a skin conductivity sensor is placed in the arch of the shoe and a pressure sensitive resistor is placed on the heel. Sensors look unobtrusive when worn (p. 95).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Picard to place GPS sensors in shoes because in doing so bio-sensors which are typically placed on hands may reside on footwear or shoes without impairing the skin conductivity of the sensors, provide both means for monitoring the persons location and biological conditions.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; Copies of documents cited will be provided as set forth in M.P.E.P. § 707.05(a):

U.S. Patent No. 5,838,237 (11-1998)

Revall et. al. teach locating lost or injured pets by using global positioning technology, wherein a location device being carried by the animal for calculating the location of the pet, receiving a polling request, transmitting a call to the location device, receiving a reply automatically in response to said polling request, reply including location data from said location device representing the current location of the animal carrying the location device, whereby the location of the animal is displayed on a map including a position indicator.

US 5,225,842

Brown et. al. teaches a GPS based tracking system for tracking animals.

US 6,078,282

Casey teaches an Internet based locator system for locating lost animals, person or item over the Internet.

US 5,922,040

Prabhakaran teaches a system/method related to locating or tracking any object including animals (col 2/lines 25-30, col 4/lines 36-40), including a server computer configured for polling an animal having a GPS tracking device for position related data and transmitting location data to a server in response to a call signal received from the server and providing said position data to a client (see col 24/lines 58-col 24/line 4, GPS navigational tracking device 611 see Fig. 3 and col 9/lines 29-43).

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US 6,321,091

Holland teaches an Internet based tracking system for tracking the position of an object which determined data representing location data wherein the system is access by remote users having respective remote terminals over the Internet to a web host connected to the Internet having a memory, the host configure to handle tracking request from said remote users.

Evaluation of a Low Cost Solid-State Accelerometer as a Distance Measuring Sensor for Vehicle Positioning System, Liu, H. & Pang, G., IEEE 0-7803-4975-X/98, 1999, p. 435-440.

Liu et. al. suggest combining of beacon signal, GPS, Inertial Navigation System (INS) signal with the processing from Kalma Filter could be a viable solution for the described deficiencies of the prior art discussed by Liu et. al.. Further describing future trends of using micro-machine inertial sensors in vehicle and personal navigation system are talked about. Also, some innovative applications of the inertial sensors are proposed such as intelligent cameras, pen and shoes.

An Internet information system for GPS, M. P. Bradley & J. S. Briggs, Information Research, Vol. 3 No. 3, January 1998, Depart. of Information Science, Univ. of Portsmouth, UK, p. 1-12.

Bradley et. al. teach querying using a web browser providing a graphical used interface for placing location queries over the Internet network location information and displays the result as a web page, e.g. in an HTML or SGML format.

Response to Arguments

9. Regarding claims 1-7, 14-15, 17-31 and 33-42 rejected under 103 as being unpatentable over Skelton, it is argued (p. 14 of remarks), the applied reference does not teach claim limitation as amended, specifically, (i) does not teach a web host computer.

In response to the above mentioned arguments, applicant's interpretation of the applied prior art is noted, however, according to applicant's disclosure, "a web host is computer hardware capable of creating and processing computer readable instructions and is not limited to a single computer. For example, mass storage, network communications, and main processing could be executed by three physically separate computers and would still constitute a web host. Therefore, the term "web host" is not intended to be limited to a single computer. Packets are electronic messages or information together with

an Internet address, which are sent as one unit. A datagram is a complete message and can be sent in many or one separate packet. With these terms in mind, the preferred embodiment is described in more detail" [see 0019]. The broadest reasonable interpretation has been applied, the term web host simply means a computer.

Skelton teaches a computer "web host" connected to the Internet, wherein the computer has a memory storing information provided to the pet owner's, i.e. remote user (col 9/lines 8-14), the base station is also a computer (col 6/lines 49-54). Girerd teaches a web host server (10) receiving a "tracking" request from remote user terminal (1) via the Internet, said request including an identifier associated with unit to be located (col 16/lines 33-35, col 5/lines 26-30).

10. Regarding claims 1-7, 14-15, 17-31 and 33-42 rejected under 103 as being unpatentable over Skelton, it is argued (p. 15 of remarks), the applied reference does not teach claim 2 limitation, specifically, automatically receiving a tracking call and processing to provide a map display to a subscriber at a remote personal computer.

In response to the above-mentioned argument, applicant's interpretation of the applied prior has been considered. However, Skelton where a monitoring center 416 may also post the coordinates and/or additional location information, such as a map, on a web page on the Internet. This allows the pet owner to log onto the web page through a personal computer 418, provide the pet identification number, and view the location of their pet displayed on a map image on the computer screen 420 (col 13/lines 40-45). Girerd teaches receiving a request for location information (see Fig. 6), wherein response position data is sent from the location unit (i.e. GPS receiver-sensor) to the server, the position data is analyzed at the server, and the analyzed data is then sent to the client where it is displayed (see abstract), the user display may be a simple position report, e.g., latitude and longitude, or a graphical report which provides an indication of the remote sensor's location superimposed on a map or other reference (see Girerd: abstract).

11. Regarding claim 1-7, 14-15, 17-31 and 33-42 rejected under 103 as being unpatentable over Skelton, it is argued (p. 18 of remarks), the applied reference does not teach claim limitation as amended, specifically, (i) receiving a tracking request from the user over the Internet and relaying a call to the location unit which automatically answers the tracking call and returns the information back to the web host over the Internet to be viewed by the user.

In response to the above-mentioned argument, applicant's interpretation of the applied references is noted. However, Girerd teaches receiving a request for location data from a user over the Internet at a

server computer (col 5/lines 51-63 and col 17/lines 39-43), wherein in response to server interrogates the remote sensor, i.e. GPS receiver location device which returns position related data (col 5/lines 26-38), the data is analyzed and processed generating location data to be displayed by the browser of the user's terminal as a map (col 16/lines 56-64, col 5/lines 34-37, display col 5/lines 64-67).

12. Applicant's arguments filed 8/18/05 have been fully considered, but not found persuasive.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form (see 1.113). If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, *new arguments*, or *new evidence in support of patentability*. If reply to an Office action under 35 USC 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see MPEP 706.07)

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

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(571) 273-8300 (New Central Fax No.)

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

B. Prieto
Primary Examiner
TC 2100
October 25, 2005


BEATRIZ PRIETO
PRIMARY EXAMINER